

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9352 OF 2004

S.Mathuswamy Chalia Ramaswamy
& anr.

.. Petitioners

v/s.

The General Manager,
The Brihanmumbai Milk Scheme
& anr.

.. Respondents

Mr.R.L.Majgaonkar for petitioners.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 1st April, 2005

P.C.

Chalia Ramaswamy who was working as Junior Milk Machine Operator in Worli Dairy, Mumbai expired on 24.9.1986. He was Class-IV employee. The first petitioner is his daughter and the second petitioner is the widow. By this writ petition, it is prayed that first petitioner be given employment on compassionate ground as per the Government circular dated 19.7.1997.

2. We are afraid, at this belated stage, the grievance raised by the petitioner for employment on compassionate ground can hardly be entertained. An appointment on compassionate ground is an exception

to the recruitment rules in the public employment. It is intended to provide immediate succour to the distressed family members of the deceased employee who was sole bread earner in the family. The employee died in the year 1986. The circular upon which reliance is placed by the petitioners was not in existence at the time of the death of the employee. The writ petition has been filed in the year 2004. At this distance of time, there is hardly any justification for entertaining the grievance raised by the petitioner after the death of the employee.

3. Writ petition is dismissed in limine.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)